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10 UNITED STATES DISTRICT COURT FOR
11 THE NORTHERN DISTRICT OF CALIFORNIA
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13 Chelsea, LLC, Mark Russo, Allen Loretz, and
14 Ivan Simpson, individually and on
behalf of all others similarly situated,

15 Plaintiffs,

16 v.

17 Regal Stone, Ltd., Hanjin Shipping, Co., Ltd.,
18 Conti Cairo KG, NSB Neiderelbe, Synergy
Maritime, Ltd. *In Personam*; M/V Cosco
19 Busan, their engines, tackle, equipment,
appurtenances, freights, and cargo *In Rem*,

20 Defendants.
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Case No. C-07-5800-SC

**[Proposed] Order to Show Cause Why A
Protective Order To Supervise And
Limit Communication With Putative
Class Members Should Not Issue**

23 This matter having come before this Court on Plaintiff's Ex Parte Motion for Order to
24 Show Cause Why A Protective Order To Supervise Or Otherwise Limit Communications With
25 Putative Class Members Should Not Issue, and the Court having considered the submission of
26 the Plaintiffs, the Court finds that Plaintiffs and Putative Class will suffer irreparable injury
27 before the matter can be heard on formal notice, and for good cause shown, it is on this
28 ____th day of January, 2008, hereby ORDERED THAT:

1 1. Respondents shall file and hand-deliver to Plaintiffs Counsel a response to the
2 Motion for Order to Show Cause on or before _____, 2008. Plaintiffs
3 shall have until _____, 2008 to file and serve a reply memorandum.
4 The Motion for Order to Show Cause shall be heard on _____, 2008 at
5 _____, or soon thereafter as the matter may be heard, in courtroom # 1, 17th floor of the
6 U.S. Courthouse, 450 Golden Gate Ave., San Francisco, California.

7 2. Pending the hearing on the Motion for Order to Show Cause, Defendants, their
8 agents, officers, employees, representatives, and all persons acting in concert or participating
9 with them be enjoined from conducting the "Claims Process" and associated communications by
10 Defendants or their agents, until a Revised Claim Form and Revised Cover Letter is drafted and
11 approved by the Court. If Defendants are responding to calls to their toll-free phone number and
12 it becomes apparent that a caller is addressing any issues regarding this litigation, or the Oil Spill
13 that is the subject of the litigation, Defendants will tell caller that they are unable to comment on
14 the matter at this time.

15 3. Defendants, in cooperation with Class Plaintiffs and subject to Court approval,
16 will redraft, and submit for Court approval, a Revised Claim Form and Revised Cover Letter
17 which Defendants and their agents will be required to exclusively use in communication with
18 Putative Class Members, that includes:

19 (a) The following language: "Acceptance of any payment is without
20 prejudice to pursuit of any legal action in a court of law. Any payment
21 through the Claims Process will be credited against any recovery by
22 compromise, trial or other adjudication of past, present or future claims
23 arising out of the incident of November 7, 2007."

24 (b) A complete description of the Claims Process, including the identity of
25 Hudson Marine and its employer, without conditions.

26 (c) Complete information regarding both class actions, including status of
27 actions and contact information of counsel for Plaintiffs in both class
28 actions.

1 4. Defendants distribute, in cooperation with Class Plaintiffs and subject to Court
2 approval, a Curative Notice with the Revised Claim Form and Revised Cover Letter to every
3 Putative Class Member who has already signed any claim form with Defendants, Hudson
4 Marine, or any other agent of the Defendants, which informs such members of their right to
5 rescind their former agreement with Defendants, Hudson Marine, or any other agent of the
6 Defendants and enter, if they choose, the agreement embodied in the Revised Claim Form.

7 5. Upon approval of the Revised Claim Form and Revised Cover Letter, Defendants
8 will open the Claims Process to all commercial fishermen with claims arising out of the Oil Spill.

9 6. A copy of the declarations and memorandum of points and authorities, together
10 with a copy of this order to show cause, be served on Defendants no later than

11 _____, 2008.

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15 **IT IS SO ORDERED.**

16 Dated:

17 _____
18 THE HONORABLE. SAMUEL CONTI
19 SENIOR UNITED STATES DISTRICT
20 COURT JUDGE
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